IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3219 OF 2004

Mahesh Ranka ... Applicant

versus

State of Maharashtra & anr. ... Respondents

...

Mr. Subhash Jha with Mr. Gaurav Agarwal and Miss Geeta Hatkar, i/by Law Global, for the Applicant.

Mr. A.H. H. Ponda with Ms. Anjana K. Baxi, for Respondent No. 2.

Mr. V.B. Konde Deshmukh, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

28h October 2004

P.C.:

. This application takes exception to the order passed by the Additional Chief Metropolitan Magistrate, 24th Court, Borivli, Mumbai in CR.No. 122/2004 dated 8th July 2004 enlarging the Respondent No. 2 on bail. In this case, the Magistrate has enlarged the Respondent No. 2 on bail on the ground of default within the meaning

of section 167 of the Code. There is nothing on record to suggest that charge sheet has been filed within the statutory period. If it is so, no fault can be found with the order of the Magistrate enlarging the Respondent No. 2 on bail under section 167(2) of the Code. Hence, this application should fail. The same is dismissed.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)